

REMARKS

In response to the Restriction Requirement dated October 6, 2005, the Applicants elect Group I, claims 1-15 and 35-40. This election is made with traverse.

The Applicants acknowledge the Examiner's assessment that the broad method steps of group I result in a device that is a subcombination of group II. The Applicants traverse the Office's assertion that the combination as claimed does not require the particulars of the subcombination, however. The Office has not shown that the combination (Claim 16) is either distinct from or free from the subcombination (Claim 12). Indeed, Claim 16 expressly recites the sensing element "set forth in Claim 12." Given that Claim 16 requires the element of Claim 12, the Office cannot reasonably assert that the Claim 12 element is not essential to Claim 16. It is well established that restriction should not be required between a combination and a subcombination that is essential to that combination. This is so even if the subcombination has a separate utility. MPEP §§806.05(b-c).

As such, the restriction requirement is believed to be improper, and it should be withdrawn. At a minimum, if Claim 12 is found to be patentable, then Claim 16 should also be allowed because it recites all the limitations of and is an allowable combination of Claim 12. MPEP §806.05(b).

The Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, the Applicants request that the Examiner contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP

A handwritten signature in black ink, appearing to read 'J. K. Pike', is written over a horizontal line.

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